

**MEDICAL EXAMINING BOARD
MEETING MINUTES
September 21, 2016**

PRESENT: Mary Jo Capodice, D.O.; Michael Carton, (*via GoToMeeting*;) Rodney Erickson, M.D., (*arrived at 8:01 a.m. via GoToMeeting*;) Bradley Kudick; Lee Ann Lau, M.D.; Carolyn Ogland Vukich, M.D. David Roelke, M.D.; Kenneth Simons, M.D.; Timothy Westlake, M.D.; Russell Yale, M.D.; Robert Zondag

EXCUSED: Michael Phillips, M.D.; Robert Zoeller, M.D.

STAFF: Tom Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of ten (10) members was confirmed.

MOTION: Carolyn Ogland Vukich moved, seconded by Timothy Westlake, to thank Suresh Misra for his service to the Board and the State of Wisconsin. Motion carried unanimously.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Added item: Credentialing Matter to X.2: License Review of R.N.*
- *Removed items: Complaints T.2.b (F.D.) and T.2.c (W.M.)*

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to adopt the agenda as amended. Motion carried unanimously.

MINUTES OF AUGUST 17, 2016 – REVIEW AND APPROVAL

MOTION: Timothy Westlake moved, seconded by Lee Ann Lau, to approve the minutes of August 17, 2016 as published. Motion carried unanimously.

CRITERIA FOR APPROVING COURSES FOR PHARMACISTS WHO ADMINISTER DRUG PRODUCTS AND DEVICES – DISCUSSION AND CONSIDERATION

MOTION: Carolyn Ogland Vukich moved, seconded by Lee Ann Lau, to advise the Pharmacy Examining Board use the Accreditation Council for Pharmacy Education (ACPE) criteria in approving courses for pharmacists who administer drug products and devices. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS

MOTION: David Roelke moved, seconded by Carolyn Ogland Vukich, to authorize Kenneth Simons to represent the FSMB at the National Association of Boards of Pharmacy Task Force on the regulation of telepharmacy practice on October 24-25, 2016 in Rosemont, Illinois and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Mary Jo Capodice moved, seconded by Lee Ann Lau, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Michael Carton – yes; Rodney Erickson – yes; Bradley Kudick – yes; Lee Ann Lau – yes; Carolyn Ogland Vukich – yes; David Roelke – yes; Kenneth Simons – yes; Timothy Westlake – yes; Russell Yale – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:30 a.m.

RECONVENE TO OPEN SESSION

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to reconvene in Open Session at 11:03 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Carolyn Ogland Vukich moved, seconded by Russell Yale, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

REQUEST FOR WAIVER OF 24 MONTH OF ACGME/AOA APPROVED POST GRADUATE TRAINING**Thaer Sawa, M.D.**

MOTION: Carolyn Ogland moved, seconded by Lee Ann Lau, to deny a waiver of the 24 months of ACGME/AOA Approved post graduate training to Thaer Sawa, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**Complaints***15 MED 177 – D.L.O.*

MOTION: Timothy Westlake moved, seconded by Carolyn Ogland Vukich, to find probable cause to believe that David L. Olson, M.D. DLSC Case No. 15 MED 177 has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat § 448.02(3)(b). Motion carried unanimously.

(David Roelke recused himself and left the room for deliberation and voting in the matter concerning D.L.O., DLSC case number 15 MED 177.)

Administrative Warnings***15 MED 177 – R.A.E.***

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to issue an Administrative Warning in the matter of DLSC Case No. 15 MED 177 against R.A.E. Motion carried unanimously.

15 MED 329 – R.Y.M.

MOTION: Timothy Westlake moved, seconded by Lee Ann Lau, to issue an Administrative Warning in the matter of DLSC Case No. 15 MED 329 against R.Y.M. Motion carried unanimously.

16 MED 234 – J.L.H.

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to issue an Administrative Warning in the matter of DLSC Case No. 16 MED 234 against J.L.H. Motion carried. Opposed: Yale

Proposed Stipulations, Final Decisions and Orders***14 MED 300 – Gail D. Vegter, P.A.***

MOTION: Timothy Westlake moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gail D. Vegter, DLSC Case No. 14 MED 300. Motion carried unanimously.

14 MED 557 – Daniel B. Jackson, P.A.

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Daniel B. Jackson, DLSC Case No. 14 MED 557. Motion carried unanimously.

15 MED 117 – Craig D. Maskil, M.D.

MOTION: Timothy Westlake moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Craig D. Maskil, DLSC Case No. 15 MED 117. Motion carried. Opposed: Lau

15 MED 221 – Andrew R. Weber, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Andrew R. Weber, DLSC Case No. 15 MED 221. Motion carried unanimously.

16 MED 140 – Cheryl B. Wingate, M.D.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Cheryl B. Wingate, DLSC Case No. 16 MED 140. Motion carried unanimously.

16 MED 174 – Robert A. Bonzani, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robert A. Bonzani, DLSC Case No. 16 MED 174. Motion carried unanimously.

Case Closings

CASE CLOSING(S)

MOTION: Russell Yale moved, seconded by Carolyn Ogland Vukich, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 MED 590 (D.L.K.) **Prosecutorial Discretion (P2)**
2. 15 MED 036 (A.R.G.) **Prosecutorial Discretion (P1)**
3. 15 MED 199 (J.B., R.H., and J.B.) **No Violation**
4. 16 MED 045 (J.E.S.) **No Violation**

Motion carried unanimously.

14 MED 603 (J.A.C.)

MOTION: Mary Jo Capodice moved, seconded by Russell Yale, to close DLSC Case No. 14 MED 603 against J.A.C. for **No Violation**. Motion carried unanimously.

15 MED 361 (T.W.G.)

MOTION: Russell Yale moved, seconded by Mary Jo Capodice, to close DLSC Case No. 15 MED 360 against T.W.G. for **Prosecutorial Discretion (P2)**. Motion carried unanimously.

ORDERS FIXING COSTS

Barry S. Barudin, M.D.

MOTION: David Roelke moved, seconded by Carolyn Ogland Vukich, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Barry S. Barudin, M.D., Respondent, DLSC Case No. 15 MED 420. Motion carried unanimously.

Michael H. Malek, M.D.

MOTION: Russell Yale moved, seconded by Bradley Kudick, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Michael H. Malek, M.D., Respondent, DLSC Case No. 15 MED 278. Motion carried unanimously.

CREDENTIALING MATTERS

License Review of Roland Ngwang

MOTION: Carolyn Ogland Vukich moved, seconded by Russell Yale, to acknowledge that the Board has determined that the license to practice medicine and surgery of Roland Ngwang was issued in error, and therefore cannot be licensed in the State of Wisconsin until all current licensure requirements are met. Motion carried unanimously.

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION
OF LICENSES AND CERTIFICATES**

MOTION: Timothy Westlake moved, seconded by Lee Ann Lau, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Lee Ann Lau moved, seconded by Bradley Kudick, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:04 a.m.